

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

_____) )	
STATE OF ALASKA, )	Case No. 24-396L
)	
Plaintiff, )	Judge Richard A. Hertling
)	
v. )	
)	
THE UNITED STATES OF AMERICA, )	
)	
Defendant. )	
_____) )	

**UNOPPOSED MOTION TO STAY**

In accordance with Rules 1 and 7 of the Rules of the United States Court of Federal Claims ("RCFC"), the United States moves the Court for an order staying this case. In support thereof, it states as follows:

1. Plaintiff filed its complaint on March 14, 2024. ECF No. 1
2. The United States' response to Plaintiff's complaint is due September 3, 2024.

*See Docket.*

3. In this case, Plaintiff alleges that the EPA's exercise of its authority under Section 404(c) of the Clean Water Act to prohibit and restrict certain discharges of dredged or fill material into waters of the United States has effected a taking of its property and breached certain contractual obligations.

4. Plaintiff also has pending in the District Court for the District of Alaska a case challenging EPA's exercise of its Section 404(c) authority under the Administrative Procedure Act. *Alaska v. U.S. Env't Prot. Agency*, No. 3:24-cv-84 (D. Alaska).

5. The outcome of the district court litigation, including a decision on whether the EPA's exercise of its authority was lawful, may affect the scope and extent of the claims in this case.

6. As such, to preserve the parties' and Court's resources, and consistent with Rule 1, the United States respectfully proposes staying this case and all current deadlines, including the United States' deadline to respond to the complaint.<sup>1</sup>

7. To allow the parties to assess the status of the district court litigation and consider potential next steps in this case, the United States proposes that the parties report back to the Court on the district court case and make a recommendation for any further proceedings in this case on or before January 6, 2025.

8. The United States has conferred with Plaintiffs about this motion and Plaintiffs do not oppose it.

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<sup>1</sup> In seeking to stay this case, the United States is not waiving any defenses, including but not limited to a lack of jurisdiction based on 28 U.S.C. § 1500.

Respectfully submitted this 3rd day of September, 2024,

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